THE

TRIAL

OF

JOHN WILSON, *ALIAS* JENKIN RATFORD,

FOR

MUTINY, DESERTION, AND CONTEMPT:

TO WHICH ARE SUBJOINED,

A FEW CURSORY REMARKS.

HALIFAX:
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THE

TRIAL

OF

JOHN WILSON, *alias* JENKIN RATFORD.

MINUTES of the Proceedings of a Court-Martial aſſembled and held on board His Majeſty's Ship Belleiſle, *in* Halifax Harbour, Nova Scotia, *on* Wedneſday, 26th Auguſt, 1807, *to try* JENKIN RATFORD, *of His Majeſty's Ship* Halifax, *for Mutiny, Deſertion, and Contempt, as ſet forth in a Letter from her Commander, The Right Honorable Lord* JAMES TOWNSHEND.

PRESENT:

The Hon. Sir ALEXANDER COCHRANE, K. B. Rear-Admiral of the White, and Second Officer in the Command at Halifax, *Preſident*,

CAPTAINS,

FRANCIS PICKMORE,
WILLIAM CHARLES FAHIE,
EDWARD HAWKER,
JOHN ERSKINE DOUGLAS,
PHILIP BEAVER,
NATHANIEL DAY COCHRANE.

Being

Being all the Captains of the rank of Poſt at this place.—On the Court aſſembling, at half paſt ten o'Clock —the priſoner being brought forward, the evidence called over, and audience admitted, read the Order addreſſed to the Preſident from the Honorable GEORGE CRANFIELD BERKELEY, Vice-Admiral of the White, and Commander in Chief at Halifax, Nova-Scotia, &c. dated the 25th of Auguſt, and the Preſident's Order to the Judge Advocate to officiate as ſuch, when the Members, and Judge Advocate, were ſeverally ſworn, agreeable to Act of Parliament; and the following letter, containing the charges againſt the priſoner, read:

His Majeſty's Sloop Halifax,
Halifax Harbor, 15th Auguſt, 1807.

SIR,

I beg leave to repreſent to you, that the five men named in the margin,* belonging to His Majeſty's Sloop Halifax, under my command, when ſent with a petty officer in the jolly-boat, in Hampton Roads, on the 7th of March laſt, to weigh a kedge anchor, which had been previouſly dropped for the purpoſe of ſwinging the ſhip by, taking the advantage of the duſk of the evening, mutinied upon the petty officer, ſome of them threatening to *murder* him, but, the reſt interfering, they deſiſted; however, taking the boat under their own command, they ſucceeded, in deſerting, by landing at Sewel's Point.

The whole of the above-mentioned Deſerters, I have ſince been informed, entered on board the United States frigate Cheſapeake, and were ſeen by me, and ſeveral

* Richd. Hubert, Hen. Saunders, Jenkin Ratford, Geo. North, Wm. Hill.

ſeveral of my officers, parading the ſtreets of Norfolk, in triumph, under the American flag. A few days after the deſertion, I accoſted one of theſe men, Henry Saunders, aſking the reaſon of his deſerting, and received for anſwer, that he did not intend any thing of the kind, but was compelled by the reſt to aſſiſt, and would embrace the firſt opportunity of returning—At that moment, Jenkin Ratford, one of the ſaid Deſerters, coming up, took the arm of the ſaid Henry Saunders, declaring with an oath, that neither he, or any of the reſt of the Deſerters, ſhould return to this ſhip, and, with a contemptuous geſture, told me, he was in the Land of Liberty, and inſtantly dragged the ſaid Henry Saunders away.

Finding that my expoſtulating any longer, would not only be uſeleſs in obtaining the Deſerters, but, in all probability have collected a mob of Americans, who, no doubt, would have proceeded to ſteps of violence, I inſtantly repaired to the houſe of Colonel Hamilton, (the Britiſh Conſul there) and related every circumſtance which occurred, and applied to him, as alſo, to Lieutenant Sinclair of the rendezvous for the United States ſervice, to recover the ſaid Deſerters, but without effect.

Being ſince informed that Jenkin Ratford has been recovered, in action, on board the United States frigate Cheſapeake, with His Britannic Majeſty's Ship Leopard, and now a priſoner on board His Majeſty's Ship Bellona, I have to requeſt you will be pleaſed to direct a Court-Martial may be aſſembled for the purpoſe of trying

trying the said Jenkin Ratford, for the within-mentioned charges of *Mutiny*, *Desertion*, and *Contempt*.

I have the honor to remain,
Sir,
Your most obedient humble servant,
J. TOWNSHEND.

To the Hon. G. C. Berkeley, Vice-Admiral of the White, and Commander in Chief, &c. &c. &c. Halifax, N. S.

The Evidence were then withdrawn, and
The Right Honorable Lord *James Townshend, sworn.*

Q. Relate to the Court what comes within your knowledge of the charges against the prisoner?

A. At the time of the prisoner's deserting, I was on board the Mermaid; on hearing a firing of musketry kept up from the Ship, about six o'Clock, in the evening on the 7th of March, I immediately returned on board; when Lieutenant Carter informed me, that five men had rose on Mr. Turner, midshipman, and deserted with the jolly-boat. The next morning, I sent Lieutenant Marsters to Norfolk, to acquaint Captain Hollis and the British Consul of the desertion of the men;—on his return, he reported to me that he had seen some of them, one in particular, Richard Hubert, parading the streets, with the American flag, then recruiting for the Chesapeake.—I then went up myself to Norfolk, and told the British Consul; and finding that the men had entered for the Chesapeake, I applied to Lieutenant Sinclair, who was entering

tering men for her; and received for answer, that there were no men entered for them by the names I gave; but if any Deserters had entered, I must apply to the Magistrates; which I did, through the Consul, who, I believe, applied to the Mayor and Civil Power.—I also applied to Capt. Decatur, who referred me to Lieut. Sinclair; but I met with no success in recovering the men.—I met the prisoner, with Saunders, the boatswain's-mate, after my application, and asked them the reason they did not return to the Ship.—Saunders said he would; and immediately went with me about twenty yards; when the prisoner laid hold of his arm, and said he would be damned if he should return to the Ship—that he was in the Land of Liberty—that he would do as he liked—and that I had no business with him.—The prisoner was very abusive, the words I do not recollect.

Q. What answer did Lieut. Sinclair make to you the second time you applied to him?

A. The same as before. I offered to point out the men if he would allow me to go into the rendezvous, but to which he returned no answer. I saw some of the Deserters at the rendezvous: the prisoner was not among them.

Q. Was the prisoner abusive to you, personally, or was the abuse general?

A. Chiefly personal.

Q. By Prisoner. Did you not send a gentleman to call me out of the house?

A. Yes.

Q. Did I not come out at the same time and stand

at

at Saunders's back, all the time you were talking to him?

A. You came into the ſtreet about four minutes after Saunders.

The Evidence now commenced for the Proſecutor; and

Lieutenant *Thomas Wren Carter*, (firſt,) of the Halifax, was *ſworn*.

Q. Relate what you know reſpecting the charges againſt the priſoner?

A. On the 7th of March laſt, about ſix o'Clock in the evening, being commanding officer, I ſent the jolly-boat, with Mr. Turner, midſhipman, and five men, to weigh the kedge anchor, which had been laid out for ſwinging the Ship. They were a long time there. I hailed them once to know what they were about, they anſwered, getting the tackle on board. A ſhort time after, the quarter-maſter, Douglas, told me he thought they were pulling away: believing they were, I ordered a fire of muſketry on them. That not having any effect, I directed ſome great guns to be pointed and fired; one was, but the boat being nearly out of ſight, owing to the duſk, and a tender belonging to the Bellona, immediately in her wake, I was obliged to deſiſt firing, and ſaw no more of her.—As ſoon as the firing ceaſed, a muſter of the Ship's company was made, when I found that the priſoner, with the other men named in the charge, had deſerted. Two or three days after the petty officer returned, and reported he had been run-away with by the crew.

The

The priſoner having no queſtions to aſk, this evidence withdrew; and

Mr. *Robert Turner*, midſhipman, of the Halifax, called in and *ſworn*.

Q. Relate to the Court what you know reſpecting the charges againſt the priſoner?

A. On the evening of the 7th March I was deſired by the firſt Lieutenant to go in the jolly-boat, and weigh kedge anchor; the priſoner was one in the boat, with Hill, North, Hubert, and Henry Saunders; after we had ſhoved off from the Ship and got hold of the kedge hawſer, and the anchor up to the bows, it came on to rain very hard, and the weather being thick, the men took the boat from me; when I hailed the Ship repeatedly, until ſilenced by Hill, who threatened if I hailed the Ship any more he would knock my brains out, and heave me overboard.—Hill ſaid if it had been Mr. M'Gory in the boat, inſtead of me, he would have tanned his hide, and thrown him overboard. The inſtant the boat landed at Sewel's Point they all jumped out and left me in her. Saunders I think would have returned, if he had not have been threatened to have his brains knocked out: I do not know if by the priſoner in particular; it was amongſt them. After landing I ſaw nothing of the men until Monday, two days after, when I ſaw the priſoner at Norfolk, with a number of men who had entered into the American Service. On Tueſday I met Lord Townſhend and informed him of the circumſtances: ſhortly after ſaw the priſoner and Saunders, Lord Townſhend ſpeaking to them, and telling them, that if they would return to the Ship he would forgive them. Saunders

was

was in the act of going down to the British Consul's with me; the prisoner said if he attempted to return to the Ship, if he was not able himself, he would get more hands to assist in cutting his bloody guts out.

Q. By Prosecutor. Did it not appear to you that the whole time I was in conversation with Saunders, and the prisoner, that the latter was very abusive?

A. He was.

Q. Did the Deserters cut the boat adrift, and shove her from the shore, making you jump out up to your middle in water?

A. After landing, I was left in the boat, the painter was cut, the boat floated off, and I jumped into the water, and waded ashore.

Q. Did you observe the prisoner assist in rowing the boat, after it was taken from you?

A. Yes I did, four men were rowing, Saunders and myself were sitting in the stern sheets.

Q. By Prisoner. Did Saunders go out of the stern sheets to look for kedge buoy?

A. He was out of the stern sheets but I am not certain if he had hold of the hawser or not.

The prisoner having no further questions to ask, the evidence withdrew; and

Thomas Douglas, quarter-master of the Halifax, called in and *sworn*.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. I had the watch on deck, I think about half past five o'Clock on the evening of the 7th of March. I was standing on the starboard gangway, when the men

slipped

ſlipped the kedge hawſer, and got their oars out. I went immediately to the gun-room and reported to Lieutenant Carter that the boat was rowing off from the Ship. He came up immediately. I having gone before and got the key of the arm-cheſt out of the binnacle drawer, and took out the muſkets, with a cartouch box, (the ſentry's muſket not going off,) Lieutenant Carter, Mr. Smith, and myſelf, fired as long as we could keep ſight of the boat.

Q. Do you know that the priſoner was one of the men in the boat?

A. I do.

The priſoner having no queſtions to aſk, the evidence withdrew; and

Lieutenant *James Marſton* of the Halifax, called in and *ſworn*.

Q. Relate to the Court what you know, reſpecting the charges againſt the priſoner?

A. On the 7th of March, about ſix in the evening, the priſoner, and four other men, were ſent to weigh the kedge anchor. Soon after it was reported they had deſerted. I went on deck and obſerved them pulling from the Ship. They were fired at ſeveral times, but to no effect. I was ſent up to Norfolk the next morning, with a letter on ſervice; I ſaw two of the Deſerters, but did not ſpeak to them, one of them with the American flag, and the other coming out of a public houſe; the priſoner was not one of them. I know the priſoner deſerted on the 7th of March from the Ship.

The priſoner having no queſtions to aſk, this evidence withdrew; and

Mr.

Mr. *George Tincombe*, master's-mate of the Melampus, called in and *sworn*.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. I was on board the Leopard on the 22d June as a passenger, and was ordered on board the Chesapeake with Lieutenants Falcon and Guise, to search for Deserters. After the hands were sent on deck, I was ordered below to search, and found the prisoner in the coal-hole; he was taken on the quarter-deck, and known by Mr. Preston, Purser of the Leopard, as being discharged from her to the Halifax.

Q. Did the prisoner deny belonging to the Halifax?

A. He said he was an American, and did not belong to the Halifax.

Q. On your going on board the Chesapeake, did you hear any conversation that passed respecting Deserters, whether they acknowledged or denied having any?

A. The Captain of her said, he did not know they had any Deserters on board.

Q. Did the prisoner stand on the Chesapeake's books by his present name, or by what other?

A. I think by the name of Wilson.

Q. Previous to the action between the Leopard and the American frigate, do you know, if there was any correspondence, by letter, between Captain Humphreys, and the commander of the Chesapeake, to demand the Deserters then on board her?

A. Yes.

Q. Did you hear any thing that passed after the correspondence between Capt. Humphreys and the Chesapeake?

A.

A. I did hear Captain Humphreys ſay, Commodore Barron you muſt be aware of the neceſſity I am under of complying with the orders of my Commander in Chief. He replied, you may do as you pleaſe.

Q. Did you underſtand that as a refuſal to comply with Captain Humphrey's wiſhes to have the Engliſh Deſerters given up from the Cheſapeake to the Leopard?

A. Yes.

Q. How long was it from the time of firſt ſending the boat on board the Cheſapeake, until the action commenced?

A. The boat was on board the Cheſapeake about three quarters of an hour, when the ſignal was made for her from the Leopard; ſhe returned in about ten minutes after, with a letter, which Capt. Humphreys took into the cabin, and read; then ordered the guns to be primed, fired one gun athwart her bows, and then hailed as before, to which a ſimilar reply was made: Capt. Humphreys then ordered the fire to commence, beginning with the foremoſt gun on the lower deck, and gave her about three broadſides.

Q. Were the crew of the Cheſapeake muſtered previous to the finding of Ratford in the coal hole?

A. No; not until afterwards.

Q. What other deſerters were taken out of the American frigate?

A. Three belonging to the Melampus.

Q. Were there many Engliſhmen muſtered on board her?

A. About twelve men and boys.

Q. Were any of thoſe Engliſhmen demanded, or any

any other men demanded, or taken out, except *known* deſerters?

A. No.

The priſoner having no queſtions to aſk, the evidence withdrew; and

Mr. *Frederick Phillips*, midſhipman of the Bellona, *ſworn.*

Q. Were you doing duty on board the Leopard at the time of the controverſy between her and the American frigate Cheſapeake?

A. Yes.

Q. Relate to the Court what you know reſpecting the charges againſt the priſoner?

A. When I went on board the Cheſapeake, I ſaw the priſoner ſtanding, or leaning, againſt one of the carronades on the quarter-deck.—I know he was taken out of the Cheſapeake to the Leopard.

The priſoner having no queſtions to aſk, the evidence withdrew; and

Mr. *James Simpſon Wells*, Clerk of the Halifax, called in, and *ſworn*.—He produced the complete book of the Halifax—ſwore to its correctneſs, and, by direction of the Court, pointed out to the Judge Advocate, the five men, ſtated by the charge to have deſerted, which he did as follows:

Richard Hubert, ſailmaker, born in Liverpool, England, aged 22.

Henry Saunders, yeoman of the ſheets, born in Greenock, aged 26.

Jenkin Ratford, ordinary, born in London, aged 34.

George North, captain of the main-top, born in Kinſale, aged 27.

William

William Hill, able, born in Philadelphia, aged 21.—Entered at Antigua.

Q. Do you know the prisoner to be one of the men you have now named?

A. Yes I do, by the name of Jenkin Ratford.

Q. Have you any reason for believing the prisoner to be born in London?

A. I think I was present when his description was taken, and he gave the place of his birth, London, himself.

The prisoner having no questions to ask, the evidence withdrew; and

Mr. *James Baikie*, Secretary to Vice-Admiral *Berkeley*, sworn to the following letters being true copies of those sent to the Commander in Chief; when they were read, and are as follow:

To JOHN ERSKINE DOUGLAS, Esquire,

Captain of His Majesty's Ship Bellona, and Senior Officer, &c. &c. Chesapeake.

His Majesty's Ship Leopard, at Sea, 22nd June, 1807.

SIR,

In obedience to your signal this morning, to weigh and reconnoitre, S. E. by E. I have the honor to acquaint you, that having arrived off Cape Henry, to the distance of about four or five leagues, I bore up, pursuant to orders from the Commander in Chief, to search for Deserters on board the United States frigate Chesapeake.

peake. On arriving within hail, an Officer was dispatched according to my instructions, to shew the Order to her commander, together with the following Note from myself :

" The Captain of his Britannic Majesty's ship Leopard, has the honor to enclose the Captain of the United States frigate Chesapeake, an Order from the Hon. Vice-Admiral *Berkeley*, Commander in Chief of his Majesty's ships on the North American station, respecting some Deserters from the ships (therein mentioned) under his command, and supposed now to be serving as part of the crew of the Chesapeake.

" The Captain of the Leopard will not presume to say any thing in addition to what the Commander in Chief has stated, more than to express an hope, that every circumstance respecting them may be adjusted, in such a manner, that the harmony subsisting between the two countries, may remain undisturbed."

The boat, after an absence of three quarters of an hour, returned with the following Answer :

" I know of no such men as you describe ; the officers that were on the recruiting service for this ship, were particularly instructed by the government, through me, not to enter any Deserters from his Britannic Majesty's Ships ; nor do I know of any being here.

" I am also instructed, never to permit the crew of any ship that I command, to be mustered by any other but her own officers ; it is my disposition to preserve harmony ; and I hope this answer to your dispatch will prove satisfactory.

(Signed) JAMES BARRON,
Commander of the United States Ship Chesapeake."

On

On the receipt of this letter, motives of humanity, and an ardent desire to prevent bloodshed, induced me if possible to endeavour to make the search without recurring to more serious measures, by repeatedly hailing and remonstrating without effect. I then directed a shot to be fired across the bow; after which he was again hailed, the answers again were equally evasive; conceiving therefore, that my orders would not admit of deviation, I lament to state that I felt under the necessity of enforcing them by firing into the United States ship; a few shot were returned, but none struck this ship—at the expiration of ten minutes from the first shot being fired, the pendant and ensign of the Chesapeake were lowered. I then gave the necessary direction for her being searched, according to my instructions, and herewith send you a statement * of the number and names of the Deserters found on board. Several other English subjects composed part of the crew of the frigate, but as they did not claim the protection of the British flag, and not within the limits of my orders from the Commander in Chief, I therefore allowed them to remain.

After the search had been made, and previous to separation,

* *List of Men found on board, and serving as a part of the Crew of the United States Ship* Chesapeake, *Deserters from His Majesty's Ships* Melampus *and* Halifax—

WILLIAM WARE,
DANIEL MARTIN,
JN. STRACHAN, *alias* STORY, } H. M. S. MELAMPUS.
JN. WILSON, *alias* JENKIN RATFORD,—H. M. S. HALIFAX.

(Signed)

S. P. HUMPHREYS.

His Majesty's Ship Leopard, *at Sea, 22d June,* 1807.

paration, the Captain ſent me the annexed Note ;* which, with my anſwer,† I have the honor to ſubjoin ; and

I have the honor to be,
SIR,
Your moſt obedient, humble Servant,
S. P. HUMPHREYS.

* *Copy of a Letter from Commodore* Barron, *to Captain* Humphreys ;

" SIR,

" I conſider the Frigate Cheſapeake as your Prize, and am ready to deliver her to any officer authoriſed to receive her.—By the return of the Boat I ſhall expect your anſwer ; and have the honor to be,

SIR,
Your moſt obedient,
Humble Servant,
JAMES BARRON."

At Sea, 22d June, 1807.

† ANSWER—

" *His Majeſty's Ship* Leopard, *at Sea*,
22d June, 1807.

" SIR,

" Having, to the utmoſt of my power, fulfilled the inſtructions of my Commander in Chief, I have nothing more to deſire ; and muſt, in conſequence, proceed to join the remainder of the Squadron ; repeating, that I am ready to give you every aſſiſtance in my power, and do moſt ſincerely deplore, that any lives ſhould have been loſt in the execution of a ſervice, which might have been adjuſted more amicably, not only with reſpect to ourſelves, but to the Nations to which we reſpectively belong.

I have the honor to be,
SIR,
Your moſt obedient, humble ſervant,
S. P. HUMPHREYS."

Serjeant *Richard Frodſham*, of the Royal Marines, of His Majeſty's Ship Bellona, called in and ſworn, to truly anſwer what he knew of the priſoner, as alſo to ſuch queſtions as the Court might aſk him.—Had heard the charges read.

Q. Do you know any thing of the prisoner?

A. Only that he was confined on board the Bellona, as a Deserter from the Halifax.

Q. Were you on board His Majesty's Ship Chichester in the Chesapeake doing duty as Serjeant of Marines?

A. Yes—I was lent from the Bellona to His Majesty's Ship Chichester, on the 10th November, 1806, and remained there until the 15th March, 1807.

Q. Do you know of any Deserters from Fort Nelson being claimed by the American Commandant?

A. Yes.

Q. Relate to the Court the particulars.

A. In the early part of February last, the Chichester being along-side the wharf at Gosport, in Virginia, I saw a party of soldiers, under arms, consisting of the Commandant of Fort Nelson, a Serjeant, Corporal, and four Privates, coming from the Fort to the Wharf, along side which the Chichester was laying.—Having entered the gates, they proceeded to Captain Stopford's Lodgings; when I was sent for, by him, and asked whether there were any deserters on board from the Fort—I answered, there were not any.—The Captain said, "there are three, are there not," and directed me to give them up to the person I supposed the Commandant.—I, with the assistance of the Officers, searched the ship, but could not find them, and reported accordingly to the Captain: who then ordered all hands to be turned up, in order to search more particularly, as he was determined to give them up.—I, with the Master, and other Officers, renewed the search: and, at the expiration of an hour, two were found under the Stores in the hold, the third was found in one of the Store-houses, under the sails. Captain

tain Stopford directed Mr. Brooks, one of the Midſhipmen of the ſhip, to be confined, for telling Captain Saunders that he thought it was not right to give up their deſerters when they would not give up ours. The Deſerters, were then put in a boat, and taken, by the American Captain and Guard, to the Fort—Their names were, Wm. Burn, a ſhoemaker by trade, an Iriſhman, born in Londonderry; Wm. Jones, a weaver by trade, born at Mancheſter, in England; the name, or place of birth, of the third perſon, I do not recollect.

Q. Do you know of any of the crew, or ſupernumeraries, deſerting from the Chicheſter, and entering into the American Military Service.

A. Yes—Convaleſcents, who came from the Regiments, &c. in the Weſt-Indies, for recovery of their health.

Q. Relate the particulars.

A. Robert Simpſon and Francis Sedgewick, of the Royal Artillery; Wm. Phillips, Corporal of Royal Marines, belonging to the Chicheſter; Benjamin Withers, of the 15th Regiment of Foot; and, John Mahoney, of the 37th, deſerted from the Chicheſter—ſome of which enliſted, in the Engliſh Uniform, into the American ſervice, and were afterwards ſeen by me in the American Military Uniform.—Simpſon and Mahoney were Iriſhmen, and Withers and Phillips, Engliſhmen, from the County of Lancaſter—I do not know what countryman Sedgewick was, but has repeatedly heard them all declare, they were ſtrangers to the United States.

The Evidence withdrew; and

Captain *John Erſkine Douglas*, of His Majeſty's ſhip Bellona, *ſworn*.

Q.

Q. Was you Senior Officer of His Majesty's Ships in the Chesapeake, when the men, stated by the last witness, deserted from the Chichester.

A. I was Senior Officer.

Q. Did you make any application for those Men?

A. I did make application, but they were not given up: and, to the best of my recollection, the answer given was, "if any deserters from the English service have entered into the American service, they have been sent, with a detachment, into the country."

The Prisoner was now called upon for his defence; having been told, at the examination of each witness that he might ask any questions he pleased.—After retiring, for a short time, with the Judge Advocate, he returned into Court, and stated—that the Evidence brought against him was so strong, there was but little left for him to say in his defence: but that the reason of his hiding in the coal-hole, was for fear of the Americans making him fight against his country, which he declared he would not do on any account; that he, with all the men who deserted from the Halifax, were persuaded by the Boatswain to enter for the Chesapeake, to protect themselves, which they did: Lieut. Sinclair asking them if they had not a second name. About 30 men went in the first draft with him to the Chesapeake, when Captain Gordon mustered them, and they were mustered again in Hampton Roads by the Commodore. He requested leave to call one Evidence in again—to ask his Officers for a character—and then he threw himself on the mercy of the Court.

Lord *James Townshend* stated, that, prior to the Charges, he had always behaved himself as a quiet steady man.

Mr.

Mr. *Turner* called in again, and reminded that he was ſtill on his oath.

Q. By the Priſoner. Do you recollect my throwing my oar acroſs the boat, and not rowing after the boat had been pulling ſome time for the ſhore, and after others called out "pull away."

A. I do not. The Priſoner pulled away as the others did.

Lieutenant *Carter*, of the Halifax, on being called on for the Priſoner's character, ſtated, that all the time he was in the Sloop, he conſidered him a ſteady, ſober, attentive man, and one he could have entruſted on ſhore.

Lieutenanant *Marſters* had known the Priſoner all the time he had been in the Halifax—never knew any thing againſt him—he was ſober and attentive, and occaſionally with working parties on ſhore.

The Priſoner having nothing further to offer, the Court adjourned, from the quarter-deck, to conſider of the evidence they had heard; and, after maturely and deliberately weighing the ſame, were of opinion, That the Charges againſt Jenkin Ratford were proved, and adjudged him to ſuffer death, by being hung at the yard-arm of ſuch one of His Majeſty's Ships, and at ſuch time, as the Commander in Chief at Halifax ſhall direct: which ſentence, being ſigned by each Member, and the Court aſſembling again on the quarter-deck, the Priſoner being brought forward, and the witneſſes and audience admitted, was read by the Judge Advocate accordingly.—After which the Preſident addreſſed the Priſoner in nearly the following words:

"YOU have now heard the awful Sentence of the Court

Court—You have been found guilty of deserting from the service of your country, which, at all times, is highly criminal: if it was possible to make it more so, it is, at the present crisis, when Great-Britain is struggling for her very existence.

"Your deserting from the Halifax, and entering into the American Navy, has been attended with most serious and unfortunate consequences, affecting the peace of both countries.

"The offences of which you have been found guilty, are of so flagrant a nature, that I cannot flatter you with the least hopes of pardon: I, therefore, earnestly recommend your employing the short time you may have to live, in making your peace with Heaven.

"All who are now present, and have witnessed this Trial, as well as the Crews of others of His Majesty's Ships, must be convinced of the heinous crime of desertion; more particularly so, when it is attended with mutinous and contemptuous behaviour to your Officers—the fate of the unfortunate Prisoner will, I trust, sink deep into your minds, and prevent the continuance of an offence so hurtful to your country, and disgraceful to the character of British Seamen."

On Monday morning last, at a quarter past nine o'clock, the sentence of the Court-Martial was carried into effect at the fore-yard-arm of His Majesty's Sloop of War Halifax.

REMARKS.

REMARKS.

WHILE the American News-papers have, for two months past, echoed and re-echoed the affair of the Leopard and Chesapeake—while Town-Meetings have been assembled throughout the Union, and strings of Resolutions framed, in which each have endeavoured to out-do the others in violence and invective against the British Navy and Government;—the President of the United States, instead of disclosing the real state of facts, which was in his possession, and the disclosure of which would have furnished the public mind with a just ground of thinking and acting, has, by the Proclamation he issued (though couched in terms of insidious moderation) misled the Public mind; increased the ferment occasioned by the partial knowledge of the facts which led to the transaction complained of, and, to use his favorite philosophical expression, set all parties afloat on "*the tempestuous Sea of Liberty.*"

As the violence of the storm has in some measure subsided;—the Resolutions, Orations and Toasts gone harmlessly by, it is highly probable, that plain, undisguised facts may now be listened to; and that the minds of men, which have been excited to indignant expressions, by false statements of facts, may feel the deception that has been practised on them, and turn with no less indignation on their deceivers. —If this sometimes takes place in Countries where the will of the people is not the supreme law, it is much more likely to happen in a Country, where all power emanates from the people; and where Liberty is indulged to the extreme of Licentiousness.

In the Proclamation, issued by Mr. Jefferson, he states. "that this "enormity was not only without provocation or justifiable cause, but "was committed for the avowed purpose of taking by force, from a "Ship of War of the United States, a part of her crew; and that no "circumstance might be wanting to mark its character, it had been "previously ascertained that the seamen demanded were native Citizens "of the United States."

Would not any person suppose, from this statement of the President, that the contest between the Leopard and Chesapeake, was solely occasioned by the demand of two or three seamen, who before the sailing of the Chesapeake, had been clearly ascertained to be Citizens of the United States?

Would it be supposed, for a moment, that the following Order of the Honorable Vice-Admiral BERKELEY, a copy of which was delivered to Commodore Barron, could have been in his possession? Or, can it be imagined that Commodore Barron, in making his Report to the President of this transaction, should have omitted to make that Order a part of his Report?

BY

BY THE HONORABLE

GEORGE CRANFIELD BERKELEY,

Vice-Admiral of the White, and Commander in Chief of His Majesty's Ships and Vessels employed in the River St. Lawrence, along the Coast of Nova-Scotia, the Islands of St. John and Cape Breton, the Bay of Fundy, and at, and about, the Island of Bermuda, or Somers' Islands.

WHEREAS many Seamen, Subjects of His Britannic Majesty, and serving in His Majesty's Ships and Vessels, as per margin,* while at anchor in the Chesapeake, deserted and entered on board the United States frigate the Chesapeake, and openly paraded the streets of Norfolk, in sight of their Officers, under the American flag, protected by the Magistrates of the town, and the recruiting-officer belonging to the above-mentioned American frigate; which Magistrates and Naval Officer, refused giving them up, although demanded by His Britannic Majesty's Consul, as well as the Captains of the Ships from which the said Men had deserted:—The Captains and Commanders of His Majesty's Ships and Vessels under my Command, are, therefore, hereby required and directed, in case of meeting with the American frigate Chesapeake, at Sea, and without the limits of the United States, to shew to the Captain of her this Order, and to require to search his Ship for the Deserters from the before-mentioned Ships, and to proceed and search for the same; and if a similar demand should be made by the American, he is to be permitted to search for any Deserters from their Service, according to the customs and usage of civilized Nations, on terms of peace and amity with each other.

Given under my Hand at Halifax, Nova-Scotia, the 1st day of June, 1807.

(Signed) G. C. BERKELEY.

To
The respective Captains and Commanders of His Majesty's Ships and Vessels on the North America Station.

* *Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cutter.)*

The above Order of the Admiral, under which Capt. Humphreys acted, clearly shews, that it was not two or three Men he was in quest of, but Deserters from His Majesty's Ships, Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cutter.)

The facts developed in the interesting Trial of Jenkin Ratford, shew, beyond all controversy, that Desertions from his Majesty's Ships in the Chesapeake, have been most shamefully encouraged, and that the conduct of the American Officers employed in their recruiting service, has

has been such, that they have not only enlisted our men under the very eye of their Officers, but when applied to for the delivery of them, their answers have been uniformly evasive and prevaricating.

The President asserts, "that this enormity was without provocation "or justifiable cause" and adds, "that *hospitality* under such circum- "stances ceases to be a duty."

These assertions we will examine separately:—and in order completely to refute the first, we shall merely state the treatment which Captain Stopford, of His Majesty's Ship Chichester received.

Early in February, the Commandant of the American Fort Nelson, accompanied by a file of men, called at Capt. Stopford's lodgings, and informed him that three men had deserted from the Fort, and were on board his Ship, and requested they might be delivered up.—Captain Stopford instantly complied with the request of the American Commandant—sent an order to search the Ship, and on its being reported to him that the men could not be found, he went on board himself, had his crew mustered, and the Ship so effectually inspected, that two of the men were found concealed on board, and the other in a store-house contiguous.—They were immediately delivered up to their Officer, and taken to the Fort.—And, what renders this transaction more deserving of notice, is, that of the men delivered up, one was an Irishman, and another a native of Manchester.—Mr. Brooks, midshipman, stating to Capt. Saunders that he thought it wrong to deliver up these men, as the Americans would not deliver up British Deserters, was immediately put under arrest by Capt. Stopford, who was determined not to be prevented by the misconduct of others, from doing what he thought was proper and gentlemanly.

Let us now minutely attend to the conduct of Capt. Stopford on this occasion:—Did he enter into a nice discussion of the right he had to retain these American Deserters?—Did he go with Mr. Maddison, into all the windings, and turnings, contained in his nonsensical jargon of instructions transmitted on this subject to Mr. Monroe? Or, did he urge a reason, which he might with more propriety have offered, that the men in question, were born in His Majesty's Dominions?—No: he had recourse to none of these subterfuges.—He felt as an Officer ought to feel on such an occasion; he honorably did as he would wish to be done by—and as far as respected the right these men might have to his protection as British Subjects, he justly considered them as Renegadoes, who deserved neither the confidence or protection of either Country.

We will now contrast the conduct of Captain Stopford, with the shameful treatment he afterwards received, from the American Government:

When the Chichester left the West-Indies, four men—two belonging

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to the Royal Artillery, one to the 15th regiment, and one to the 37th —who had been unwell, but were getting into a ſtate of convaleſcence, were ſent on board her, that in a voyage to the States, their recovery might be perfected.—Theſe men deſerted from the Chicheſter, and, with their Britiſh uniforms on, entered into the American Service.—They were ſeen on ſhore after they had entered, by the Serjeant of Marines of the Chicheſter, and one of them had the impudence to offer to ſhake hands with him, but he rejected his offer with becoming contempt.

Thoſe men were applied for by Capt. Douglas, the Commanding Officer of the Squadron in the Cheſapeake, and the anſwer he received was, if any ſuch men had enliſted, they were gone up the country with a detachment.

Did the gentlemanly conduct of Captain Stopford, deſerve ſuch a return as this?—Will Mr. Jefferſon pretend that ſuch treatment did not furniſh juſt cauſe of offence and provocation?—If he can reconcile ſo baſe a tranſaction to modern maxims of philoſophy, we ought to be thankful that the plain common ſenſe of the country we inhabit, is not yet ſo perverted, and that the terms *right* and *wrong*, *kindneſs* and *unkindneſs*, ſtill retain their proper and appropriate meanings.

We will now notice the caſe of the Halifax:—A midſhipman and five men are ſent from that Ship to weigh the kedge anchor.—Thoſe men ſuddenly take poſſeſſion of the boat, ſeize upon their officer, whom they threaten to kill, and reach the American ſhore.—Though the circumſtances attending their deſertion are peculiarly aggravating, yet they are no ſooner landed, than they are enliſted by the American recruiting officer, Lieut. Sinclair;—Lord Townſhend comes on ſhore, ſees his men parading the ſtreets of Norfolk, with the American flag—makes application to the authority there, through the Britiſh Conſul, for the delivery of them, without effect.—One of the men would willingly have returned with him, had he not been prevented by the unfortunate man, who on Monday laſt ſuffered for his crime.—He finally applies to Lieutenant Sinclair, and offers, if permitted to go into the rendezvous, to point out the men, but obtains no ſatisfaction, and receives the evaſive, prevaricating anſwer, that he knew of no men who had entered, of the names his Lordſhip mentioned.

The American ſloop of war, Waſp, which ſailed the beginning of June, with the Preſident's objections to the pending Treaty, as an additional proof of friendly intention, carried with her three Britiſh Deſerters.

A number of men Deſerted from the reſpective Ships named in the Admiral's Order, and in no inſtance have they been given up in conſequence of the applicatic n made for them, but have been encouraged and harbored in their Deſertion, and the moſt of them entered into the American Naval Service.

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In short, the Desertions from our Squadron in the Chesapeake have been regularly and systematically encouraged, and, in too many instances, has insult been added to injury.—And, yet, says Mr. Jefferson "*this enormity was without provocation, or justifiable cause.*"

Would the Commandant of Fort Nelson, have thought as Mr. Jefferson does, if Captain Stopford had refused to have given up his Deserters when he applied for them? Would he have been satisfied if Captain Stopford had told him, that no men of the names he enquired for were entered for his Ship, if the very men were at the time, in defiance of him, parading the deck of the Chichester?—And would it have exalted his opinion of Captain Stopford, if he had known that the names of the men had been changed by his advice, that he might be furnished with a reply so ungentlemanly and evasive?

We wish the American Naval Officers, among whom are many men of honor, to answer these questions, and candidly acknowledge what would have been their feelings had the case been reversed, and they placed in the same situation.—Would they have thought, as Mr. Jefferson does, that they had no ground of offence or provocation?—We are satisfied that not only they, but the feelings of all mankind will answer the question with becoming indignation.

Under these circumstances, what course was left to the Commander in Chief of His Majesty's Squadron on this station to pursue, but either to suffer his Ships to be dismantled in the American harbors where such *insidious hospitality* was afforded them, or to take the very step he did, by which he should not only put an immediate stop to the injury, but bring this question to a determinate issue between the two Nations.

The Theatre for the decision of this important question, was the most appropriate that could have been chosen—*the Open Ocean*—that the appeal and the justice of it, might not only be made to the two Nations, but to the Universe. In this Court of honor, no quibbling civilians were admitted.—The complaint was simply stated in the Admiral's Order, (which we have already inserted) and transmitted to Commodore Barron, with a polite note, from Captain Humphreys.

To this demand Commodore Barron replies,—"I know of no such "man as you describe; the Officers that were on the recruiting service "for this Ship, were particularly instructed by the Government, "through me, not to enter Deserters from His Britannic Majesty's "Ships; nor do I know of any being here."

The demand being made, and the reply given, the facts were completely at issue between the parties.—And what was the result? That Jenkin Ratford, a Deserter from His Majesty's Ship Halifax, one of the ships named in the Admiral's Order, was found on board the Chesapeake.—And that William Ware, Daniel Martin, and John Strachan,

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three Deſerters from His Majeſty's Ship Melampus, (a Ship not named in the Admiral's Order, but coming within the ſpirit of it) were alſo found on board, and very properly taken out by Captain Humphreys.

How can Commodore Barron look honorable men in the face after a diſcloſure like this ?—It was in the open view of the Univerſe, putting the ſeal to all the former evaſive, prevaricating anſwers, that our Officers had received on application for their Deſerters :—Nor can all the waters of Lethe blot out the diſgrace.

If the American Government, had, in ſincerity and good faith, iſſued the order forbidding Deſerters from Britiſh Ships to be enliſted on board the Cheſapeake, would not Mr. Jefferſon have inſtantly ordered a Court of Enquiry, to know why that order had been diſobeyed, and to find out the culprits who had dared, by their diſobedience of ſo ſalutary a regulation, to involve two Countries in a conteſt, the great maſs of the inhabitants of which ſincerely wiſh to be at peace with each other ? —Has any ſuch meaſure been adopted, or any diſcloſure of the circumſtances which led to this tranſaction, been made by the American Government ?—And are not many of the American papers loud in their complaints, at the myſterious ſecrecy obſerved on this occaſion ?—Does it not look too much like a deſign to puſh the public mind, blind-folded, to extremities ?

If doubt can ſtill remain in the mind of any perſon, whether Commodore Barron knew that the men who were taken out of his Ship, were Britiſh Deſerters, we copy the following extracts from their own voluntary confeſſions :

John Strachan, after giving an account of his Deſertion from the Melampus, the firſt of February, in company with Ware, Martin and Little, ſays, " they went to Norfolk, where he, Martin, and Ware, entered for the Cheſapeake,—that he knew the faces of ſeveral Engliſhmen on board the Cheſapeake, but did not know their names—that *Commodore Barron promiſed to proteƈt him.*"

William Ware, ſays, " that when they came before Commodore Barron, at the Naval-Yard at Waſhington, *he promiſed to proteƈt them, although they were Deſerters from an Engliſh Man of War.*"

Jenkin Ratford, before his execution, acknowledged, " that he was born in London, that he voluntarily entered into His Majeſty's Service—that he deſerted in the jolly-boat of the Halifax, in company with George North, captain of the main-top, Henry Saunders, boatſwain's-mate, Richard Hubert, ſail-maker, and another man whoſe name he did not know—that they all entered at Norfolk for the Cheſapeake frigate, and afterwards joined her at the Federal City—that in a ſhort time Richard Hubert ran-away, and was ſeen at Alexandria by ſome of the crew, about three days after ; and that George North and Henry Saunders ran-away during the time the Ship was coming down

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the River.——That Richard Hubert was from Liverpool, and formerly belonged to the Leander, and that Saunders was an Iriſhman.—On his defence, Ratford ſaid, "that at the time of their entering for the Cheſapeake, Lieutenant Sinclair aſked them if they had not a ſecond name."—On this ſuggeſtion, Ratford altered his name to Wilſon, and was ſo entered on the Cheſapeake's books.—To this circumſtance it is owing, that the names of North and Saunders were not to be found in the books, and to their having deſerted on the paſſage of the Cheſapeake from Waſhington to Norfolk, is alſo owing that they were not, like Ratford, found hid in the coal-hole of that frigate,—What protection Commodore Barron, after all his promiſes, afforded to theſe deluded, unhappy men, his own feelings muſt long before this time have ſuggeſted to him.

After the preceding ſtatement of facts, we believe it will be very difficult for Mr. Jefferſon to ſatisfy any man, "*that this enormity was without provocation or juſtifiable cauſe.*"

We ſhall now briefly notice his other aſſertion, "that *hoſpitality under ſuch circumſtances ceaſes to be a duty.*"

After the ſtatement we have given of the treatment our Squadron received in the Cheſapeake, it will naturally be enquired, "What can Mr. Jefferſon mean by *hoſpitality*?"—It is true, that our Ships were furniſhed with proviſions in the Cheſapeake; and as far as this hoſpitality extended, an equivalent return was conſtantly made in the punctual and regular payment for thoſe proviſions; and thus this account of hoſpitality, was very nearly balanced.—But were thoſe ſupplies to be put in competition with the daily injury received in the encouragement of our men to Deſertion? Would Mr. Jefferſon, if invited to a banquet, come away very much delighted with the hoſpitality of his Hoſt, if he found that while he was partaking of his viands, he had enticed from his duty a favorite ſervant?—If on remonſtrating at the injury, he ſhould be coolly told, the law will protect me in what I have done—would he be able to contain his reſentment?—Or would he be very deſirous of partaking again of ſuch hoſpitality?

Exactly reſembling this, is the *hoſpitality* that our Squadron has been excluded from by the Preſident's proclamation.

The kindeſt ſtep Mr. Jefferſon could have taken, would have been to have iſſued this Proclamation ſome months ago. A number of ſeamen, the greateſt part of whom are now lamenting their folly in abandoning their Country's flag, would have been in our Service, and the life of the unhappy man preſerved, whoſe fate we hope will be a warning to others.

While therefore it ſhall be neceſſary for our Ships to remain in the Cheſapeake, we ſincerely wiſh that their communication with the American ſhore may remain interdicted, and that the *miſchievous hoſpitality*

tality ſo vaunted of by the Preſident, may continue to be w[illegible]d from them.

In the preſent eventful ſtate of the world, the Britiſh Navy, in the courſe of Providence, forms the only barrier between France and Univerſal Empire.—That this barrier may not be either weakened or deſtroyed, ought not only to be the wiſh o[illegible]reat-Britain, but of America alſo.—Their rulers may be at [illegible] faſcinated with French victories, or they may be deceived by [illegible]n intrigues:—But if they do not more carefully look to the evils that are impending, it is highly probable, the day is not far diſtant, when they will feel the effects of their blindneſs and temerity.

We will now cloſe theſe remarks with a few obſervations on another expreſſion in the Preſident's Proclamation, where he ſays "it had been previouſly aſcertained (that is, before the ſailing of the Cheſapeake) "that the ſeamen demanded were native citizens of the United States." This aſſertion we doubt, and for the following reaſon: In looking into the Official Paper publiſhed at Waſhington, after ſome very indelicate remarks, as they reſpect Mr. ERSKINE, the Britiſh Miniſter, and of the communications with him relative to Britiſh deſerters, it gives the deſcriptions and places of birth of William Ware, Daniel Martin, John Strachan, John Little, *alias* Francis, and Ambroſe Watts, as ſta[illegible] to the American Government before the ſailing of the Cheſapeake [illegible] Commodore Barron, who, it is ſaid, had been directed to aſcertain their citizenſhip.—That theſe deſcriptions were merely taken from the declarations of the men themſelves, and that Commodore Barron, [illegible] the American Government, took no further trouble in the buſineſs, [illegible] be reſolved evident to all, who do not chooſe to ſhut their eyes, by the ſentence, which immediately follows the above deſcription, in the Waſhington Official Gazette, which ſays, "that the report is in [illegible] (that is Commodore Barron's Report, before the ſailing of the Cheſapeake) to be formally verified by a recurrence to *the ſources of evidence pointed out by the ſeamen reſpectively.*"

Now can any thing be clearer, than that this Report of Commodore Barron's *was not verified* before the ſailing of the Cheſapeake? If it was, it is ſurely a work of ſupererogation to go about the verification of it now—The facts, once clearly aſcertained by good evidence, would be for ever eſtabliſhed.—We could ſtrengthen theſe obſervations by the teſtimony of the unhappy men themſelves, and prove,—if any proof was wanting, that Commodore Barron went through the ceremony of aſking them a few queſtions, and thus ended the ſolemn enquiry he was directed to make, and on this ſolemn enquiry alone, reſts Mr. Jefferſon's aſſertion, "*that it had been previouſly aſcertained they were native citizens.*"

If therefore we take this assertion of the President, and couple it with Commodore Barron's reply to Captain Humphreys, and the whole train of prevarications and evasions that have marked every stage of this business, we shall find in how little estimation the peace of the two Countries has been held by the American Government.—For the facts we have stated speak intelligibly to the understanding of every man.

One observation more we shall at present dismiss the subject.—The men whose citizenship Mr. Jefferson attempts to verify, belonged to His Majesty's Ship Melampus, a Ship not named in the Admiral's Order, under which Captain Humphreys acted.—And this circumstance totally destroys the assertion of Mr. Jefferson, that it was for the apprehension of those very men this enormity was committed.—The Melampus and her men were totally out of the question at issue between the two Ships.—It would certainly have shewn some degree of fairness, if to this Report of Commodore Barron, the pedigree of John Wilson, *alias* Jenkin Ratford, Richard Hubert, George North and Henry Saunders had been added.—These men all joined the Ship at Washington, and sailed in her from thence.—It is true, their desertion prevented their being found on board the Chesapeake; but this does not render the conductors of this shameful prevaricating transaction less criminal.

We omit many other facts which might be urged on this occasion; as they will more properly be connected with the case of the unfortunate men who are yet to take their Trials.

The above statement of facts is given, not to irritate or widen the breach between the Nations, who ought to be in amity with each other.—Who, should a contest ensue, might materially mar their mutual prosperity, without deriving any benefit from that contest: But by spreading all the circumstances minutely before them, to give all parties an opportunity impartially to examine the case; and we are confidently persuaded, that all candid men will at length agree with us; that if Mr. Maddison's quibbling productions on the Law of Nations, had been thrown into the fire, a little sincerity and plain dealing substituted in the place of the evasions which have marked every part of this transaction, and the same undisguised Courtesy and Hospitality practised, which marked the conduct of Captain Stopford, the harmony of the two Nations would never have been interrupted, and the commercial prosperity of both, gone hand in hand with each other.

Halifax, September 5, 1807.

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